IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Mohomed M. Adbelaziz, et al.

Serial No. 09/693,321

Filed: October 19, 2000

For: Dynamic Displays in a Distributed Computing Environment

§ Group Art Unit: 2176
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§ Examiner: Singh, Rachna
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§ Atty. Dkt. No.: 5181-57700
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37 C.F.R. § 1.8

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APPEAL BRIEF

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Sir/Madam:

Further to the Notice of Appeal filed February 27, 2006, Appellants present this Appeal Brief. Appellants respectfully request that the Board of Patent Appeals and Interferences consider this appeal.

I. REAL PARTY IN INTEREST

As evidenced by the assignment recorded at Reel/Frame 011488/0866, the subject application is owned by Sun Microsystems, Inc., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and now having its principal place of business at 4150 Network Circle, Santa Clara, CA 95054.

II. RELATED APPEALS AND INTERFERENCES

No other appeals, interferences or judicial proceedings are known which would be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1, 3-8, 10-48 and 50-57 stand finally rejected. The rejection of claims 1, 3-8, 10-48 and 50-57 is being appealed. A copy of claims 1, 3-8, 10-48 and 50-57 is included in the Claims Appendix herein below.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been submitted subsequent to the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed toward a method for presenting results data in a distributed computing environment, including a service in the distributed computing environment generating results data for a client in the distributed computing environment. For example, a service may generate results data for the client in response to the client requesting one or more functions of the service. In some embodiments, the results data may be the results themselves while in other embodiments, the results data maybe reference(s) to the results. For example, the results data may be a URI to results stored in a space in the distributed computing environment. The service may perform a function for the client that generates the results data. In one embodiment, the service may have previously generated results data for a method call and may provide the results data to the client without actually invoking the method again. The service may generate results data in response to a message from the client. *See, e.g.*, FIGs. 6, 7, 8, 9, 10a, 10b, 11a, 11b, 12, 13, 14, 15, 36, 45a, 45b, 45d, 45e, 50 and 51; page 12, line 28 – page 13, line 13; page 34, lines 17-28; page 45, lines 10-20; page 56, lines 2-22; and page 140, lines 6-18.

The method of claim 1 also includes accessing a presentation schema in the distributed computing environment. The presentation schema includes information for presenting results data for clients in the distributed computing environment and is provided by the service. The service may provide a plurality of presentation schemas for displaying results of various operations provided by the service. Additionally, the presentation schema may include information for displaying a variety of results for one or more clients. Alternatively, different presentation schema might be provided for formatting a displaying the same results with different formats or on different displays. Also, different copies of a single application, client or service may run on devices with different display capabilities and therefore different presentation schemas may be provided for supported the display requirements of the different devices. The service may provide presentation schemas including information describing presentation characteristics of results data the service may also provide. *See, e.g.*, FIGs. 6, 7, 8, 9, 10a, 10b, 11a, 11b, 12, 13, 14, 15, 18, 31, 32A, 32B, 36, 45a, 45b, 45d, 45e, 50 and 51; page

12, line 4 – page 13, line 23; page 149, line 3 – page 151, line 18; and page 152, line 1 – page 153, line 30.

The method of claim 1 further includes accessing the results data and presenting the results data for the client in accordance with the information from the presentation schema. In one embodiment, the service may send the results data to the client in one or more messages. Some results of running a service may be returned to the client in an XML message. In another embodiment, the service may store the results data and may provide the client with an advertisement to the results data and the client may access the results data in accordance with the advertisement to the results data. Thus, results data from a service may be returned directly to the client in a response message, advertised and temporarily stored in a space, or advertised in a space, but stored persistently. The presentation schema may include presentation characteristics including formatting, data type, and other information for use in presenting results data produced by the service. The presentation schema may include a plurality of presentation elements each including information describing presentation characteristics for data elements of the results data. The client may map data elements of the results data to corresponding presentation elements from the presentation schema and may use the information in the presentation element to format and present the data element. The distributed computing environment may include a mechanism that may allow clients to negotiate how a service is to return results. *See, e.g.*, FIGs. 6, 7, 8, 9, 10a, 10b, 11a, 11b, 12, 13, 14, 15, 18, 31, 32A, 32B, 36, 45a, 45b, 45d, 45e, 50 and 51; page 27, line 24 – page 28, line 3; page 29, lines 9-23; page 49, line 24 – page50, line 3; page 52, lines 1-28; page 54, lines 5-28; page 55, line 1 – page 61, line 25; and page 65, line 7 – page 66, line 24.

Independent claim 24 is directed toward a distributed computing system, including a service device configured to generate results data, a data presentation device and a first device. The first device is configured to access a presentation schema that includes information for presenting the results data and that is provided by the service device. Please refer to the discussion of claim 1 above for information regarding a service generating results data. In some embodiments, results data may be presented on a

presentation device. For instance, presentation device that may present results for a client may include display devices, such as CRTs on computers, LCDs on laptops, notebook displays, etc; printers, speakers, or virtually any other device capable of presenting results data in visual, audio or other formats. The presentation device may be integrated into or coupled with a client device or may be a standalone device. The service may provide the presentation schema to the presentation device or the presentation device may access a presentation schema using information location information provided by the service. *See, e.g.*, FIGs. 9, 10a, 10b, 18, 31, 32A, 32B, 36, 45a, 45b, 45d, 45e, 50 and 51; page 12, line 4 – page 13, line 23; page 148, lines 2-30; and page 153, lines 1-30.

The first device is also configured to access the results data generated by the service device and present the results data on the data presentation device in accordance with the information in the presentation schema for the results data. Please refer to the discussion of claim 1 above for a more detailed discussion of accessing results data and presenting results data in accordance with the information in a presentation schema.

Independent claim 46 is directed a device including a data presentation component and a client component. The client component is configured to access a presentation schema provided by a service in a distributed computing environment, where the presentation schema includes information for presenting results data generated by the service. The client component is also configured to access the results data generated by the service and present the results data on the data presentation component in accordance with the information in the presentation schema for the results data. Please refer to the discussions of claim 1 and 24 above for a more detailed discussion regarding accessing a presentation schema and results data provided by a service. *See, e.g.*, FIGs. 6, 7, 8, 9, 10a, 10b, 11a, 11b, 12, 13, 14, 15, 18, 31, 32A, 32B, 36, 45a, 45b, 45d, 45e, 50 and 51; page 27, line 24 – page 28, line 3; page 29, lines 9-23; page 49, line 24 – page50, line 3; page 52, lines 1-28; page 54, lines 5-28; page 55, line 1 – page 61, line 25; and page 65, line 7 – page 66, line 24.

Independent claim 48 is directed toward a tangible computer accessible medium

including program instructions that are computer-executable to implement accessing a presentation schema in a distributed computing environment, where the presentation schema includes information for presenting results data for clients in the distributed computing environment. The presentation schema is provided by a service in the distributed computing environment. The program instructions of claim 48 are also computer-executable to implement accessing results data for a client in the distributed computing environment that are generated by the service and presenting the results data for the client in accordance with the information from the presentation schema. Please refer to the discussions of claims 1 and 24 above for a more detailed discussion regarding accessing a presentation schema and results data provided by a service and presenting the results data in accordance with information from the presentation schema.

The summary above describes various examples and embodiments of the claimed subject matter; however, the claims are not necessarily limited to any of these examples and embodiments. The claims should be interpreted based on the wording of the respective claims.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 3-7, 11, 13-26, 29, 31-48, 51 and 53-57 stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by Ballantyne et al. (U.S. Patent 6,687,873) (hereinafter "Ballantyne").

2. Claims 8, 10, 27, 28 and 50 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne.

3. Claims 12, 30 and 52 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne in view of Sravanapudi et al. (U.S. Publication 2001/0049603) (hereinafter "Sravanapudi").

VII. ARGUMENT

First Ground of Rejection:

Claims 1, 3-7, 11, 13-26, 29, 31-48, 51 and 53-57 stand finally rejected under 35 U.S.C. § 102(e) as being anticipated by Ballantyne et al. (U.S. Patent 6,687,873) (hereinafter "Ballantyne"). Appellants traverse this rejection for at least the following reasons. Different groups of claims are addressed under their respective subheadings.

Claims 1, 6-7, 13-17:

Regarding claim 1, contrary to the Examiner's assertion, Ballantyne fails to disclose accessing a presentation schema in the distributed computing environment, wherein the presentation schema includes information for presenting results data for clients, and wherein the presentation schema is provided by the same service in the distributed computing environment that generated the results data for the client. Instead, Ballantyne discloses a system that modifies and recompiles legacy program applications to output data in XML format. Ballantyne's system includes a code generation system that allows analysis of legacy program applications and generation of modified legacy program applications. After modification, the legacy applications are able to directly output syntactically correct XML data. *See*, Ballantyne, column 6, lines 15-26. Ballantyne's system is concerned with analyzing and modifying legacy applications to output XML data. Thus, a legacy application is first analyzed to determine where data are outputted and then the legacy application is modified to output XML formatted data in place of, or in addition to, the originally outputted data.

The Examiner has failed to show any portion of Ballantyne that describes a particular *service* that both generates results data for a client and provides a presentation schema that includes information for presenting the results data for clients. In the Response to Arguments section of the Final Office Action dated November 29, 2005, the Examiner asserts that Ballantyne's modified legacy applications

generate results data (Final Office Action, page 10, line 15 – page 11, line 9). However, the Examiner fails to cite any portion of Ballantyne that can be considered a single service that both generates results data for a client and that provides a presentation schema including information for presenting the results data for clients. Ballantyne's modified legacy applications are clearly not one service that both generates results data for a client and that provides a presentation schema including information for presenting the results data for clients.

Moreover, the Examiner has failed to consider Appellants' argument that it is Ballantyne's modeling engine 28 that provides a schema by allowing programmers to create the schema. In contrast, Appellants' claim recites that the *same service* that generates the results data for the client also provides the schema. Since Ballantyne's modeling engine does not generate results data (nor does the Examiner argue that it does), Ballantyne fails to teach a service that both generates the results data and provides the presentation schema.

The Examiner incorrectly states, "Applicant argues Ballantyne does not provide a presentation schema that includes information for presenting results data for clients in a computing environment" (Final Action, dated November 29, 2005, page 11, lines 9-12). The Examiner has misunderstood Appellants' previous argument. As noted above, Appellants are arguing, and have previously argued, that Ballantyne does not teach a service that both generates the results data for a client and provides the presentation schema for clients. Appellants' previous discussion (see, Appellants' response filed August 22, 2005) regarding Ballantyne's modeling engine not generating results data was illustrating that neither Ballantyne's modeling engine nor his modified legacy applications can be considered the service of Appellants' claim.

The Examiner's rejection relies on various individual pieces of Ballantyne's system that, when properly considered against the combination of all the limitations of Appellants' claim, **fail to teach the combination of limitations of Appellants' claim**

(e.g. a service that both generates results data for a client and provides a presentation schema that includes information for presenting results data for clients).

The Examiner relies on two different portions of Ballantyne's system to teach generating results data and providing a presentation schema, respectively. The Examiner argues that Ballantyne's modified legacy applications generate the results data and present the results data in accordance with information from a presentation schema. For example, the Examiner refers to Ballantyne's applications generating invoices and billing statements. Thus, the Examiner is clearly relying upon the individual modified legacy applications of Ballantyne to generate results data. In order to anticipate Appellants' claim, the same modified legacy application that the Examiner argues generates the results data, must also provide the presentation schema. However, this is clearly not the case in Ballantyne's system. As noted above and previously, Ballantyne's applications do not provide a presentation schema. The Examiner relies upon the schema provided by the modeling engine, which does not generate results data and is completely distinct from the modified applications upon which the Examiner relies to generate the results data. Thus, Ballantyne clearly fails to anticipate claim 1.

In response to Appellants' previous argument regarding how, following the Examiner's reasoning, Ballantyne's modified legacy applications must also provide the presentation schema (since the Examiner relies upon Ballantyne's applications to generate the results data), the Examiner merely asserts that Appellants' claim "does not recite that modified applications provide XML schemas" (Advisory Action, lines 17-19 and Response to Arguments, Final Office Action, dated November 29, 2005, page 11, lines 9-18). However, Appellants are not arguing that claim 1 recites applications that provide XML schemas. Appellants are pointing out the Examiner's mischaracterization of Ballantyne. Appellants' argument is, in part, that i) Appellants' claim 1 requires a single service that both generates the results data and provides the presentation schema, ii) the Examiner relies upon Ballantyne's modified legacy applications to generate the results data, and iii) since Ballantyne's applications do not provide any presentation

schemas they cannot be considered the service of Appellants' claim 1 (whether or not they generate results data).

As shown above, Ballantyne clearly fails to disclose a single service that both generates results data and provides the presentation schema. It is well established that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P. 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Ballantyne clearly does not disclose the identical invention including each and every element as recited Appellants' claim 1. Thus, Ballantyne clearly and unequivocally fails to anticipate claim 1.

For at least the reasons presented above, the rejection of claim 1 is clearly not supported by the cited art and withdrawal of the rejection is respectfully requested.

Claim 3:

Regarding claim 3, Ballantyne fails to disclose that generating the results data is performed in response to the client sending a request message in a data representation language to the service, wherein the request message requests the service to perform a function on behalf of the client and wherein the function generates the results data when performed by the service. The Examiner cites columns 17-18 of Ballantyne, which (as described above regarding claim 1) describe various benefits to modifying legacy applications to output XML formatted data. However, the cited passage does not teach that the modified applications generate results data, such as the billing statements or invoices mentioned by the Examiner, in response to a client sending a request message in a data representation language to the service (e.g. the same service that both generates the results data and provides the presentation schema).

Ballantyne discusses that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). The Examiner argues that a "user may request billing statements or invoices." However, the Examiner has misrepresented the teachings of Ballantyne. Ballantyne teaches, "individual telephone customers could receive their telephone bill by e-mail containing a web link to a site that provides the individual's bill detail" (Ballantyne, column 17, lines 50-52). Sending a bill to a customer in an email is very different from a service generating results data in response to receiving a request from a client in a data representation language.

In the Response to Argument section of the latest Office Action, the Examiner responds to the above argument by asserting, "receiving a telephone bill from a telephone provider via a web link involves a service (i.e. telephone provider) generating results data (i.e. bill)" and further arguing, "[c]licking on a web link is sending a request to the server" (Final Action, dated November 29, 2005, page 12, lines 2-5). However, the Examiner has failed to consider that claim 3 requires that the generating of results data is performed in response to the client sending a request message to the same service (from claim 1) that both generates the results data and provides the presentation schema. The web server that would receive a message in response to a user clicking a web link in an email is clearly not the same as the modified legacy applications that the Examiner contends generate the results data and is clearly not the same as the modeling engine which provides the presentation schema relied upon by the Examiner.

Furthermore, Ballantyne teaches that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). Thus, the invoice information sent to the user in response to the user clicking on a web link (the example given by the Examiner) would not be generated by the web server, but instead generated by one of Ballantyne's modified legacy applications, stored in a database, and merely retrieved by a web server. Moreover, since the invoice data would have been

generated and stored in the database prior to the web server being able to retrieve it, the results data are clearly not generated in response to a user clicking a web link in an email. Hence, the Examiner interpretation of Ballantyne is erroneous.

Thus, Ballantyne clearly fails to teach wherein generating the results data is performed in response to the client sending a request message in a data representation language to the service, wherein the request message requests the service to perform a function on behalf of the client and wherein the function generates the results data when performed by the service. Thus, for at least the reasons above, the rejection of claim 3 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks also apply to claims 25 and 36.

Claim 4:

Regarding claim 4, Ballantyne fails to disclose a client sending a request message in a data representation language to the service, wherein the data representation language is eXtensible Markup Language (XML). The Examiner argues that the "data presentation language used by Ballantyne is XML." However, whether or not Ballantyne uses XML as a data presentation language for other purposes has no relevance to, nor does it imply, a *client sending a request message to a service in XML.*

Furthermore, claim 4 depends from claim 3 and thus requires that the request message sent by the client to the service, in response to which the service generates the results data, be in XML. In the Response to Arguments section of the latest Action, the Examiner argues, regarding claim 3, that a user clicking on a web link constitutes a client sending a request message to a service, in response to which the service generates the results data (e.g. supplying a telephone invoice to a user, according to the Examiner). However, it is well known that HTTP, not XML, is used to send a request to a web server, such as when a user clicks on a web link embedded in an email message (the example used by the Examiner). Regardless, it cannot be said that Ballantyne inherently and necessarily requires that a client sends a request message in XML to the service, as

recited in claim 4. Thus, the rejection of claim 4 is not supported by the prior art and removal thereof is respectfully requested.

Claim 5:

Regarding claim 5, Ballantyne fails to disclose wherein said accessing results data for a client in the distributed computing environment comprises receiving the results data from the service in one or more messages in a data representation language. The Examiner refers to Ballantyne's modified applications outputting reported data in XML format that may include billing statements or invoices and cites column 17. Ballantyne teaches that XML data output by his modified applications may be stored in databases for retrieval, such as by browsers and other web sites. For example, Ballantyne teaches that individual telephone customers could receive their telephone bill by email containing a web link to a site that provides the individual's bill detail.

However, Ballantyne fails to disclose a client *receiving the results data from the service* in one or more messages in a data representation language. Instead, as noted above, Ballantyne teaches storing the XML output of a modified application, which the Examiner equates to the service of Appellants' claim, in a database and other applications, such as a browser or web server retrieving and supplying the XML formatted report data to clients or users. Thus, in Ballantyne's system (and according to the Examiner's interpretation and line of reasoning) a client (or user) does not receive the results data (XML formatted report data in Examiner's interpretation) from the service that generates the results data (i.e. Ballantyne's modified applications), which would be required for Ballantyne to anticipate Appellants' claim 5.

Claim 11:

The rejection of claim 11 is improper because claim 11 is rejected under § 102(e) as being anticipated by Ballantyne, while claim 10, from which claim 11 depends is rejected under § 103(a) over Ballantyne. If, as admitted by the Examiner, Ballantyne

does not disclose all the limitations of claim 10, Ballantyne cannot anticipate claim 11. Thus, the rejection of claim 11 under § 102(e) is clearly improper.

Furthermore, Ballantyne fails to disclose wherein the presentation schema advertisement is an eXtensible Markup Language (XML) document. The Examiner asserts, "Ballantyne teaches that the output of the XML schema can be an XML document", without citing any particular portion of Ballantyne. However, whether or not the output of an XML schema can be an XML document has no relevance to a *presentation schema advertisement* being an XML document. Ballantyne's system does not include any presentation schema advertisement, whether in the form of an XML document or otherwise. Instead, as described previously, Ballantyne teaches a system for modifying applications to output XML data formatted according to an XML schema. Nowhere does Ballantyne mention a presentation schema advertisement that is an XML document. Thus, for at least the reasons above, the rejection of claim 11 is not supported by the cited art and removal thereof is respectfully requested.

Claims 18, 19 and 21:

Regarding claim 18, Ballantyne fails to disclose that said accessing a presentation schema in the distributed computing environment, said accessing results data for a client in the distributed computing environment, and said presenting the results data for the client are performed by a data presentation process. The Examiner merely asserts, without providing any support evidence or citing any portion of the prior art, that "Ballantyne's system is a data presentation system." Appellants disagree. Ballantyne's system does not include a data presentation process that performs all the functions recited in claim 18. Ballantyne teaches a system for "modifying program applications of a legacy computer system to directly output data in XML format" (Ballantyne, Abstract, column 2, lines 43-57). Ballantyne does not describe his system as including a data presentation process that performs all the functions recited in claim 18. The Examiner is merely making conclusory statements without providing any support. Furthermore, the example legacy applications that Ballantyne describes are not data presentation processes

that performs all the functions recited in claim 18. Instead, Ballantyne describes telephone billing, banking invoicing, and business intelligence applications, none of which can be considered the data presentation process of claim 18.

Thus, the rejection of claim 18 is not supported by the cited art and removal thereof is respectfully requested.

Claim 20:

Regarding claim 20, Ballantyne does not disclose that the presentation process accessing the results data comprises the client receiving the results data from the service and the client providing the results data to the data presentation process. The Examiner fails to cite any portion of Ballantyne regarding claim 20. Instead, the Examiner merely states, "Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received." However, Ballantyne's system does not involve the client providing results data to a data presentation process. The Examiner has ignored this limitation of claim 20.

Claim 19, from which claim 20 depends recites a data presentation process must access the presentation schema. The Examiner interprets Ballantyne's use of a schema to output XML formatted by modified applications as accessing a presentation schema. However, nowhere does Ballantyne mention a client provided results data to a modified application. Thus, the Examiner's interpretation of Ballantyne cannot be correct.

The rejection of claim 20 is not supported by the cited art and removal thereof is respectfully requested.

Claim 22:

Regarding claim 22, Ballantyne fails to disclose that the data presentation process in the distributed computing environment accessing the presentation schema comprises

the client receiving information for accessing the presentation schema and the client providing the information for accessing the presentation schema to the data presentation process. As with the rejections of claims 20 and 21, discussed above, the Examiner has not cited any portion of Ballantyne regarding the rejection of claim 22, but instead merely states, "Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received." However, the Examiner has failed to consider the limitation of "the client receiving information for accessing *the presentation schema*" recited in claim 22. Ballantyne's system does not include the client receiving any information for accessing the presentation schema. Ballantyne's system modifies a legacy application to output data formatted in XML according to a XML schema, which the Examiner equates to the presentation schema of Appellants' claims. A client, such as a web browser viewing a phone bill on a user's computer, which the Examiner equates to the client of Appellants' claims, does not receive information for accessing the XML schema of Ballantyne's system.

Additionally, Ballantyne's system does not include *the client providing the information for accessing the presentation schema* to the data presentation process. The Examiner does not make any mention regarding a client providing any information for accessing the presentation schema to a data presentation process. The Examiner merely refers to Ballantyne's report data being presented to the client. However, presenting report data to the client has nothing whatsoever to do with the client providing information for accessing the presentation schema to a data presentation process.

Thus, the rejection of claim 22 is not supported by the cited art and removal thereof is respectfully requested.

Claim 23:

Regarding claim 23, Ballantyne fails to disclose that the data presentation process in the distributed computing environment accessing the presentation schema comprises the client receiving the presentation schema and the client providing the presentation

schema to the data presentation process. The Examiner cited columns 6-8, asserting, "Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be provided by the client by formatting the schema in the model GUI." However, the Examiner interpretation of Ballantyne is incorrect. Firstly, the report data cannot be considered the presentation schema. Schemas are well understood in the art and the output data that is merely formatted according to a schema cannot be considered the schema itself. As no point in Ballantyne's system does a client receive the XML schema nor does a client ever provide it to a data presentation process.

The Examiner further states that Ballantyne's schema "can be provided by the client by formatting the schema in the model GUI." However, the GUI used to modify the XML schema is not utilized by a client. Instead, the developer that modifies a legacy application according to Ballantyne's teachings may customize the XML schema, as clearly described by Ballantyne at column 10, lines 4 – 54.

For at least the reasons above, the rejection of claim 23 is not supported by the cited art and removal thereof is respectfully requested.

Claims 24, 26, 31-34, 37 and 39:

Regarding claim 24, contrary to the Examiner's assertion, Ballantyne fails to disclose a service device configured to generate results data and a first device configured to access a presentation schema, wherein the presentation schema includes information for presenting the results data, and wherein the presentation schema is provided by the service device. As described above regarding claim 1, Ballantyne discloses a system that modifies and recompiles legacy program applications to output data in XML format. Ballantyne's system includes a code generation system that allows analysis of legacy program applications and generation of modified legacy program applications. After modification, the legacy applications are able to directly output syntactically correct XML data. (see, Ballantyne, column 6, lines 15-26). Ballantyne's system is concerned with analyzing and modifying legacy applications to output XML data. Thus, a legacy

application is first analyzed to determine where data are outputted and then the legacy application is modified to output XML formatted data in place of, or in addition to, the originally outputted data.

The Examiner has failed to show any portion of Ballantyne that describes a particular *service device* that both generates results data and provides a presentation schema that includes information for presenting the results data. In the Response to Arguments section of the Final Office Action dated November 29, 2005, the Examiner asserts that Ballantyne's modified legacy applications generate results data (see, Final Office Action, page 10, line 15 – page 11, line 9). However, the Examiner fails to cite any portion of Ballantyne that can be considered a single service that both generates results data for a client and that provides a presentation schema including information for presenting the results data. Ballantyne's modified legacy applications are clearly not one service that both generates results data for a client and that provides a presentation schema including information for presenting the results data.

Moreover, the Examiner has failed to consider Appellants' argument that is it Ballantyne's modeling engine 28 that provides a schema by allowing programmers to create the schema. In contrast, Appellants' claim recites that the *same service* that generates the results data for the client also provides the schema. Since Ballantyne's modeling engine does not generate results data (nor does the Examiner argue that it does), Ballantyne fails to teach a service that both generates the results data and provides the presentation schema.

The Examiner's rejection relies on various individual pieces of Ballantyne's system that, when properly considered against the combination of all the limitations of Appellants' claim, fail to teach the combination of limitations of Appellants' claim (e.g. a service that both generates results data for a client and provides a presentation schema that includes information for presenting results data for clients).

The Examiner relies on two different portions of Ballantyne's system to teach generating results data and providing a presentation schema, respectively. The Examiner argues that Ballantyne's modified legacy applications generate the results data and present the results data in accordance with information from a presentation schema. For example, the Examiner refers to Ballantyne's applications generating invoices and billing statements. Thus, the Examiner is clearly relying upon the individual modified legacy applications of Ballantyne to generate results data. In order to anticipate Appellants' claim, the modified legacy applications, which the Examiner argues generates the results data, must also provide the presentation schema. However, this is clearly not the case in Ballantyne's system. As noted above and previously, Ballantyne's applications do not provide a presentation schema. The Examiner relies upon the schema provided by the modeling engine, which does not generate results data and is completely distinct from the modified applications upon which the Examiner relies to generate the results data. Thus, Ballantyne clearly fails to anticipate claim 1.

Additionally, Ballantyne fails to disclose a device configured to access a presentation schema provided by the service device, access the results data generated by the service device and present the results data on the data presentation device in accordance with the information in the presentation schema for the results data. As described above, Ballantyne's XML schema is accessed to modify a modified legacy application and when the modified application is outputting XML formatted data. The Examiner equates Ballantyne's modified legacy application to the service (and thus the service device) of Appellants' claims. However, Ballantyne's modified legacy applications do not present the results data on a data presentation device. The only presentation of the results data described by Ballantyne is when data is retrieved from a database for a client, such as via a web site. Thus, Ballantyne fails to disclose a device configured to access a presentation schema, access the results data and present the results data.

As shown above, Ballantyne clearly fails to disclose a service that both generates results data and provides the presentation schema and further fails to disclose a device

configured to access a presentation schema, access the results data and present the results data. Ballantyne clearly does not disclose the identical invention including each and every element as recited Appellants' claim 24. Thus, Ballantyne clearly fails to anticipate claim 24.

For at least the reasons above, the rejection of claim 24 is not supported by the cited art and removal thereof is respectfully requested.

Claim 25:

Regarding claim 25, Ballantyne fails to disclose a client device configured to send a request message in a data representation language to the service device, wherein the service device is configured to perform a function on behalf of the client device in response to the request message, and wherein the function is configured to generate the results data when performed by the service device. The Examiner cites columns 17-18 of Ballantyne, which (as described above regarding claim 1) describe various benefits to modifying legacy applications to output XML formatted data. However, the cited passage does not teach that the modified applications generate results data, such as the billing statements or invoices mentioned by the Examiner, in response to a client sending a request message in a data representation language to the service (e.g. the same service that both generates the results data and provides the presentation schema).

Ballantyne discusses that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). The Examiner argues that a "user may request billing statements or invoices." However, the Examiner has misrepresented the teachings of Ballantyne. Ballantyne teaches, "individual telephone customers could receive their telephone bill by e-mail containing a web link to a site that provides the individual's bill detail" (Ballantyne, column 17, lines 50-52). Sending a bill to a customer in an email is very different from a service

generating results data in response to receiving a request from a client in a data representation language.

In the Response to Argument section of the latest Office Action, the Examiner responds to the above argument by asserting, "receiving a telephone bill from a telephone provider via a web link involves a service (i.e. telephone provider) generating results data (i.e. bill)" and further arguing, "[c]licking on a web link is sending a request to the server" (Final Action, dated November 29, 2005, page 12, lines 2-5). However, the Examiner has failed to consider that claim 3 requires that the generating of results data is performed in response to the client sending a request message to the same service (from claim 1) that both generates the results data and provides the presentation schema. The web server that would receive a message in response to a user clicking a web link in an email is clearly not the same as the modified legacy applications that the Examiner contends generate the results data and is clearly not the same as the modeling engine which provides the presentation schema relied upon by the Examiner.

Furthermore, Ballantyne teaches that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). Thus, the invoice information sent to the user in response to the user clicking on a web link (the example given by the Examiner) would not be generated by the web server, but instead generated by one of Ballantyne's modified legacy applications, stored in a database, and merely retrieved by a web server. Moreover, since the invoice data would have been generated and stored in the database prior to the web server being able to retrieve it, the results data are clearly not generated in response to a user clicking a web link in an email. Hence, the Examiner interpretation of Ballantyne is erroneous.

As shown above, Ballantyne clearly fails to teach a client device configured to send a request message in a data representation language to the service device, wherein the service device is configured to perform a function on behalf of the client device in response to the request message, and wherein the function is configured to generate the

results data when performed by the service device. Thus, for at least the reasons above, the rejection of claim 25 is not supported by the cited art and removal thereof is respectfully requested.

Claim 29:

The rejection of claim 29 is improper because claim 29 is rejected under § 102(e) as being anticipated by Ballantyne, while claim 28, from which claim 29 depends is rejected under § 103(a) over Ballantyne. If, as admitted by the Examiner, Ballantyne does not disclose all the limitations of claim 28, Ballantyne cannot anticipate claim 29. Thus, the rejection of claim 29 under § 102(e) is clearly improper.

Furthermore, Ballantyne fails to disclose wherein the presentation schema advertisement is an eXtensible Markup Language (XML) document. The Examiner asserts, "Ballantyne teaches that the output of the XML schema can be an XML document", without citing any particular portion of Ballantyne. However, whether or not the output of an XML schema can be an XML document has no relevance to a *presentation schema advertisement* being an XML document. Ballantyne's system does not include any presentation schema advertisement, whether in the form of an XML document or otherwise. Instead, as described previously, Ballantyne teaches a system for modifying applications to output XML data formatted according to an XML schema. Nowhere does Ballantyne mention a presentation schema advertisement that is an XML document. Thus, for at least the reasons above, the rejection of claim 29 is not supported by the cited art and removal thereof is respectfully requested.

Claim 35:

Contrary to the Examiner's contention, Ballantyne does not teach that the first device comprises a data presentation process executable on the first device, wherein said accessing a presentation schema in the distributed computing environment, said accessing results data for a client in the distributed computing environment, and said presenting the

results data are performed by the data presentation process. The Examiner merely asserts, without providing any support evidence or citing any portion of the prior art, that "Ballantyne's system is a data presentation system." Appellants disagree. Ballantyne's system does not include a data presentation process that performs all the functions recited in claim 35. Ballantyne teaches a system for "modifying program applications of a legacy computer system to directly output data in XML format" (Ballantyne, Abstract, column 2, lines 43-57). Ballantyne does not describe his system as including a data presentation process that performs all the functions recited in claim 35. The Examiner is merely making conclusory statements without providing any support. Furthermore, the example legacy applications that Ballantyne describes are not data presentation processes as recited in claim 35. Instead, Ballantyne describes telephone billing, banking invoicing, and business intelligence applications, none of which can be considered a data presentation process as recited in claim 35.

Thus, the rejection of claim 35 is not supported by the cited art and removal thereof is respectfully requested.

Claim 36:

Contrary to the Examiner's contention, Ballantyne fails to disclose a client process executable on the first device and configured to send a request message in a data representation language to the service device, wherein the service device is configured to perform a function on behalf of the client process in response to the request message, and wherein the function is configured to generate the results data when performed by the service device.

The Examiner cites columns 17 and 18 of Ballantyne as asserts, "Ballantyne's system can take place over a computer system and network in which one device sends a message to a service device and the service device generates results." The cited passage only refers to retrieving the results from a database, such as when an email recipient accesses a web site via a web link in an email message. The cited passage does not

describe a service device configured to perform a function configured to generate the results data *in response* to a request message. Ballantyne's modified legacy application clearly generates the results data, but nowhere does Ballantyne describe a modified legacy application generating the results data in response to a request message in a data representation language from a client process.

Additionally, the client process of claim 36 must also be executable on the same first device that accesses the presentation schema, accesses the results data and presents the results data, as recited in claims 35 and 24, from which claim 36 depends. Ballantyne clearly fails to teach a single device that sends a request to the service, in response to which the service generates the results data, accesses the presentation schema, accesses the results data and presents the results data. Nowhere does Ballantyne mention such a device.

The rejection of claim 36 is not supported by the cited art and removal thereof is respectfully requested.

Claim 38:

Contrary to the Examiner's contention, Ballantyne fails to disclose a client executable on the first device that accesses the results data generated by the service device and configured to provide the results data to a data presentation device also executable on the first device, where the first device also accesses the presentation schema. The Examiner fails to cite any particular portion of Ballantyne. Instead the Examiner asserts, "Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received." However, the Examiner has failed to point out any portion of Ballantyne's system that can be a client configured to provide the results data to a data presentation device. Instead, the Examiner has merely pointed out that the client receives report data in Ballantyne's system. Additionally, the Examiner fails to identify any portion of Ballantyne's system that can be considered a client that provides results data to a data

presentation device executable on a device that also accesses the presentation schema. No client in Ballantyne's system provides results data to any other device and certainly not to a device that also accesses the presentation schema. Ballantyne clearly fails to anticipate claim 38. By failing to demonstrate how Ballantyne might be considered to disclose each and every limitation of claim 38, the Examiner has failed to provide a *prima facie* rejection of claim 38. Thus, the rejection of claim 38 is not supported by the cited art and removal thereof is respectfully requested.

Claim 40:

Regarding claim 40, Ballantyne fails to disclose a data presentation process executable on the first device and a client process executable on the first device, configured to receive information for accessing the presentation schema and provide the information for accessing the presentation schema to the data presentation process. Examiner has not cited any portion of Ballantyne regarding the rejection of claim 40, but instead merely states, "Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received." However, the Examiner has failed to consider the limitation of "the client receiving information for accessing *the presentation schema*" recited in claim 40. Ballantyne's system does not include the client receiving any information for accessing the presentation schema. Ballantyne's system modifies a legacy application to output data formatted in XML according to a XML schema, which the Examiner equates to the presentation schema of Appellants' claims. A client, such as a web browser viewing a phone bill on a user's computer, which the Examiner equates to the client of Appellants' claims, does not receive information for accessing the XML schema of Ballantyne's system.

Additionally, Ballantyne's system does not include *the client providing the information for accessing the presentation schema* to the data presentation process. The Examiner does not make any mention regarding a client providing any information for accessing the presentation schema to a data presentation process. The Examiner merely

refers to Ballantyne's report data being presented to the client. However, presenting report data to the client has nothing whatsoever to do with the client providing information for accessing the presentation schema to a data presentation process.

Thus, the rejection of claim 40 is not supported by the cited art and removal thereof is respectfully requested.

Claim 41:

Regarding claim 41, Ballantyne fails to disclose a data presentation process executable on the first device and a client process executable on the first device, configured to access the presentation schema and provide the presentation schema to the data presentation process. The Examiner cited columns 6-8, asserting, "Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be provided by the client by formatting the schema in the model GUI." However, the Examiner interpretation of Ballantyne is incorrect. Firstly, the report data cannot be considered the presentation schema. Schemas are well understood in the art and the output data that is merely formatted according to a schema cannot be considered the schema itself. As no point in Ballantyne's system does a client receive the XML schema nor does a client ever provide it to a data presentation process.

The Examiner further states that Ballantyne's schema "can be provided by the client by formatting the schema in the model GUI." However, the GUI used to modify the XML schema is not utilized by a client. Instead, the developer that modifies a legacy application according to Ballantyne's teachings may customize the XML schema, as clearly described by Ballantyne at column 10, lines 4 – 54.

For at least the reasons above, the rejection of claim 41 is not supported by the cited art and removal thereof is respectfully requested.

Claims 42 and 45:

Regarding claim 42, Ballantyne fails to disclose a service device configured to provide a presentation schema advertisement, store the presentation schema advertisement on the storage device and produce results data on behalf of a client in the distributed computing system, wherein the presentation schema advertisement includes information for presenting the results data.

The Examiner cites columns 17-18 of Ballantyne. However, Ballantyne's system does not include the user of presentation schema advertisements. Specifically, the Examiner argues that Ballantyne's use of sending a telephone customer an email including a web link to a web site that provides the details of a phone bill discloses the limitations recited in claim 42. However, the "results advertisement" referred to by the Examiner is not a presentation schema advertisement.

Furthermore, Ballantyne does not teach a service that provides a presentation schema advertisement and produces results data on behalf of a client. As described above regarding claims 1 and 24, Ballantyne teaches a system in which a legacy application is modified to output XML formatted data. It is the modified legacy application that produces results data in Ballantyne's system. Ballantyne also teaches a modeling engine that produces and provides a presentation schema according to which the legacy application is modified to output XML data. Ballantyne makes absolutely no mention of any presentation schema advertisement or about storing a presentation schema advertisement.

Additionally, Ballantyne does not describe his modified legacy applications producing results data *on behalf of a client*. Instead, Ballantyne teaches that the output of his modified applications, such as billing and invoicing applications, may be stored in databases for later retrieved, such as in response to an email recipient using a web link to access a particular web site. However, the actual results data in Ballantyne's system are not produced on behalf of a client.

Thus, Ballantyne clearly fails to disclose a service device configured to provide a presentation schema advertisement, store the presentation schema advertisement and produce results data on behalf of a client. For at least the reasons above, the rejection of claim 42 is not supported by the cited art and removal thereof is respectfully requested.

Claim 43:

Regarding claim 43, Ballantyne fails to disclose wherein the service device is further configured to generate the results data for the client in response to receiving a request for the results data, contrary to the Examiner's assertion. The Examiner asserts that "Ballantyne teaches that the service device can generate report data upon receiving a request for the report data" citing columns 17 and 18 of Ballantyne. However, the cited passage does not describe the service generating the results data in response to receiving a request for the results data. Instead, Ballantyne teaches that the results data, i.e. the XML formatted output of a modified legacy application, may be stored in various database for retrieval later by different application. For example, Ballantyne describes how individual telephone customers might receive their telephone bill via "e-mail containing a web link to a site that provides the individual's bill detail" (Ballantyne, column 17, lines 46-52). Similarly, Ballantyne describes how XML bank statements "can be stored in a relational database for easy retrieval" (column 17, lines 62-67). Additionally, Ballantyne teaches that direct generation of XML formatted data providing invoice reports, as opposed to non-XML formatted reports, "is more efficient in the business intelligence role ... since detailed data analysis is available without applying detailed parsing systems" (column 18, lines 9-14). Thus, Ballantyne teaches that the XML-formatted data output by a modified legacy application, which the Examiner equates to the service of Appellants' claims, may be stored in databases, retrieved and parsed more easily than non-XML-formatted data. Ballantyne does not mention anything about a modified legacy application generating XML-formatted data, which the Examiner equates to the results data of Appellants' claims, *in response to a request for the results data*. Thus, Ballantyne clearly fails to disclose the limitations of claim 43.

Claim 44:

Regarding claim 44, Ballantyne fails to disclose a space service configured to provide the presentation schema advertisement stored on the storage device to the client, wherein the client is operable to display the results data in accordance with the information for presenting the results data included in the presentation schema advertisement. The Examiner fails to cite any portion of Ballantyne regarding the rejection of claim 44. Instead, the Examiner merely states, "Ballantyne teaches outputting the XML data on a display device." However, outputting XML data on a display device does not teach anything about providing a presentation schema advertisement to a client as recited by claim 44. Moreover, as shown above regarding claim 42, Ballantyne does not teach anything that can be considered a presentation schema advertisement.

The Examiner further asserts, "[t]he results data would be outputted to a 'space' in a computing environment. Thus, the Examiner is relying upon the Examiner's own hindsight-driven conclusion that Ballantyne's system includes storing results data to a "space" in a computing environment without citing any portion of the prior art for support. It is clearly improper for the Examiner to reject claim 44 without providing any arguments or interpretations of the prior art to support his conclusions.

Claim 46:

Regarding claim 46, Ballantyne fails to disclose a client component configured to access a presentation schema provided by a service in a distributed computing environment, wherein the presentation schema includes information for presenting results data generated by the service. The Examiner rejects claim 46 "under the same rational used in claim 1". However, claim 1 does not recite a client component configured to *access a presentation schema* provided by a service. Thus, the Examiner has fails to consider the specific limitations of claim 46. Moreover, no client in Ballantyne's system accesses a presentation schema. The Examiner equates the XML schema used to modify

legacy applications in Ballantyne to the presentation schema of Appellants' claims. The clients in Ballantyne's system, such as the email recipient accessing a detailed phone bill from a web site, never access the XML schema. Instead, the XML schema is used only to modify applications to output XML formatted data.

Additionally, as described above regarding claim 1, Ballantyne does not disclose a service that both provides a presentation schema and generates results data. Please see the discussion of claim 1 above for a more detailed argument regarding Ballantyne's failure to teach a service that both provides a presentation schema and generates results data.

Thus, for at least the reasons above, the rejection of claim 46 is not supported by the cited art and removal thereof is respectfully requested.

Claim 47:

Regarding claim 47, Ballantyne fails to disclose wherein the client component is further configured to send a message to the service requesting the results data, wherein the service is operable to generate the results data for the client in response to receiving the message. The Examiner cites columns 17-18 of Ballantyne, which (as noted above regarding claim 1) describe various benefits to modifying legacy applications to output XML formatted data. However, the cited passage does not teach that the modified applications generate results data, such as the billing statements or invoices mentioned by the Examiner, *in response to a client sending a request* message in a data representation language to the service (e.g. the same service that both generates the results data and provides the presentation schema).

Ballantyne discusses that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). The Examiner argues that a "user may request billing statements or invoices." However, the

Examiner has misrepresented the teachings of Ballantyne. Ballantyne teaches, "individual telephone customers could receive their telephone bill by e-mail containing a web link to a site that provides the individual's bill detail" (Ballantyne, column 17, lines 50-52). Sending a bill to a customer in an email is very different from a service generating results data in response to receiving a request from a client in a data representation language.

In the Response to Argument section of the latest Office Action, the Examiner responds to the above argument (regarding the rejection of claim 3) by asserting, "receiving a telephone bill from a telephone provider via a web link involves a service (i.e. telephone provider) generating results data (i.e. bill)" and further arguing, "[c]licking on a web link is sending a request to the server" (Final Action, dated November 29, 2005, page 12, lines 2-5). However, the Examiner has failed to consider that claim 3 requires that the generating of results data is performed in response to the *client* sending a request message to the same service (from claim 1) that both generates the results data and provides the presentation schema. The web server that would receive a message in response to a user clicking a web link in an email is clearly not the same as the modified legacy applications that the Examiner contends generate the results data and is clearly not the same as the modeling engine which provides the presentation schema relied upon by the Examiner.

Furthermore, Ballantyne teaches that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). Thus, the invoice information sent to the user in response to the user clicking on a web link (the example given by the Examiner) would not be generated by the web server, but instead generated by one of Ballantyne's modified legacy applications, stored in a database, and merely retrieved by a web server. Moreover, since the invoice data would have been generated and stored in the database prior to the web server being able to retrieve it, the results data are clearly not generated in response to a user clicking a web link in an email. Hence, the Examiner interpretation of Ballantyne is erroneous.

Thus, Ballantyne clearly fails to teach wherein generating the results data is performed in response to the client sending a request message in a data representation language to the service, wherein the request message requests the service to perform a function on behalf of the client and wherein the function generates the results data when performed by the service. Thus, for at least the reasons above, the rejection of claim 47 is not supported by the prior art and removal thereof is respectfully requested.

Claim 48:

Regarding claim 48, contrary to the Examiner's assertion, Ballantyne fails to disclose accessing a presentation schema in a distributed computing environment, wherein the presentation schema includes information for presenting results data for clients in the distributed computing environment, wherein the presentation schema is provided by a service in the distributed computing environment; accessing results data for a client in the distributed computing environment, wherein the results data are generated by the service.

As described above regarding claim 1, Ballantyne discloses a system that modifies and recompiles legacy program applications to output data in XML format. Ballantyne's system includes a code generation system that allows analysis of legacy program applications and generation of modified legacy program applications. After modification, the legacy applications are able to directly output syntactically correct XML data. (see, Ballantyne, column 6, lines 15-26). Ballantyne's system is concerned with analyzing and modifying legacy applications to output XML data. Thus, a legacy application is first analyzed to determine where data are outputted and then the legacy application is modified to output XML formatted data in place of, or in addition to, the originally outputted data.

The Examiner has failed to show any portion of Ballantyne that describes a particular *service* that both generates results data for a client and provides a

presentation schema that includes information for presenting the results data. Ballantyne's modified legacy applications are clearly not one service that both generates results data for a client and that provides a presentation schema including information for presenting the results data. Moreover, the Examiner has failed to consider Appellants' argument that is it Ballantyne's modeling engine 28 that provides a schema by allowing programmers to create the schema. In contrast, Appellants' claim recites that the *same service* that generates the results data for the client also provides the schema. Since Ballantyne's modeling engine does not generate results data (nor does the Examiner argue that it does), Ballantyne fails to teach a service that both generates the results data and provides the presentation schema.

Please refer to the discussion of claim 1 above for a more detailed argument regarding Ballantyne's failure to disclose a service that both generates results data and provides a presentation schema that includes information for presenting the results data. Ballantyne clearly does not disclose the identical invention including each and every element as recited Appellants' claim 48. Thus, Ballantyne clearly and unequivocally fails to anticipate claim 48. For at least the reasons above the rejection of claim 48 is no supported by the cited art and removal thereof is respectfully requested.

Second Ground of Rejection:

Claims 8, 10, 27, 28 and 50 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne. Appellants respectfully traverse this rejection for at least the reasons presented above regarding their respective independent claims, and at least the following additional reasons. Different groups of claims are addressed under their respective subheadings.

Claim 8:

In further regard to claim 8, Ballantyne does not teach or suggest providing a results advertisement for the results data stored on the results space, wherein the results

advertisement includes information for enabling access of the results data. The Examiner argues that Ballantyne's modified applications can generate XML data that "may comprise invoice, billing statements, or any other type of report data including advertisement" and that "one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format includes invoices and advertisements." The Examiner has apparently confused the output of commercial advertisements with providing a results advertisement for the results data, wherein the results advertisement includes information for enabling access of the results data. The Examiner has not cited any portion of Ballantyne that mentions providing an advertisement that includes information for enabling access of the outputted invoices, billing statements, etc, which the Examiner equates to the results data of Appellants' claims.

The Examiner also argues, "[a]lthough Ballantyne does not state 'advertisements', the term 'report data' could comprise an advertisement" and further asserts, "it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as 'result data' since and (sic) XML schema can be used to produce XML formatted data." However, whether or not "report data" *could* include an advertisement and whether or not an XML schema *can* be used to produce XML formatted data is irrelevant. It is well established that the "mere fact that references can be modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the modification". M.P.E.P. § 2143.01 paragraph 9; and *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The Examiner has not provided a proper suggestion or motivation for modifying Ballantyne to include results advertisements. Instead the Examiner only states that Ballantyne's report data *could* include an advertisement and that an XML schema *can* be used to produce XML formatted data, neither of which are proper suggestions or motivations to modify Ballantyne. Also, the Examiner's assertion can only be based in hindsight since no evidence of record teaches or suggests providing a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data.

The cited art clearly fails to teach or suggest providing a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data. As such, the rejection of claim 8 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks apply to claim 27 as well.

Claim 10:

In further regard to claim 10, Ballantyne does not teach or suggest wherein the presentation schema is comprised in a presentation schema advertisement comprised on a storage device in the distributed computing environment, wherein the storage device is operable to store a plurality of presentation schema advertisements, and wherein said accessing the presentation schema comprises accessing the presentation schema advertisement from the storage device through a space service. The Examiner cites column 17, lines 15-25 where Ballantyne states that outputted XML data, such as internal reports may be stored in a database and thus be available for review electronically. However, the cited passage makes no mention of a presentation schema comprised in a presentation schema advertisement.

The Examiner argues that the term "report data" could comprise an advertisement and that "an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements." Firstly, the Examiner is apparently confusing the generation of commercial advertisements with a presentation schema advertisement that includes a presentation schema. Furthermore, the cited passage does not refer to generating any presentation schema, but instead refers only to generating XML data. Also, as noted above, the Examiner's speculation as to how Ballantyne *could* be modified does not meet the requirements for a *prima facie* case of obviousness.

Moreover, as noted above regarding the rejection of claim 1, Ballantyne's system includes a modeling engine that generates an XML schema, which the Examiner equates

to the presentation schema of Appellants' claims, to modify existing legacy application to output XML data. Ballantyne does not describe that his modified applications generate or provide XML schemas, as suggested by the Examiner.

Moreover, Ballantyne makes no mention whatsoever regarding any presentation schema advertisements including presentation schemas. Ballantyne does not describe accessing a presentation schema advertisement when using the XML schema to modify legacy applications. Following the Examiner's argument, the XML schema used to modify a legacy applications would have to be comprised in the output of that modified legacy application. Such an interpretation cannot be correct.

In the Response to Arguments section of the Final Office Action dated November 29, 2005, the Examiner refers to the fact that Ballantyne teaches providing report data to a display device, where a user can then access results data. However, the results data referred to by the Examiner cannot be considered a presentation schema advertisement including a presentation schema. Following the Examiner's reasoning, the report data generated by Ballantyne's applications must be an advertisement including the XML schema generating by Ballantyne's modeling engine, which the Examiner considers the presentation schema of Appellants' claims. The Examiner has plainly ignored the specific limitations recited in claim 10.

Thus, for at least the reasons above, the rejection of claim 10 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks apply to claims 28 and 50 as well.

Claim 27:

In regard to claim 27, Ballantyne does not teach or suggest wherein the service device is further configured to provide a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data and wherein the first device is further configured to access the

results from the results space in accordance with the results advertisement. The Examiner argues that Ballantyne's modified applications can generate XML data that "may comprise invoice, billing statements, or any other type of report data including advertisement" and that "one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format includes invoices and advertisements." The Examiner has apparently confused the output of commercial advertisements with providing a results advertisement for the results data, wherein the results advertisement includes information for enabling access of the results data. The Examiner has not cited any portion of Ballantyne that mentions providing an advertisement that includes information for enabling access of the outputted invoices, billing statements, etc, which the Examiner equates to the results data of Appellants' claims.

The Examiner also argues, "[a]lthough Ballantyne does not state 'advertisements', the term 'report data' could comprise an advertisement" and further asserts, "it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as 'result data' since and (sic) XML schema can be used to produce XML formatted data." However, whether or not "report data" *could* include an advertisement and whether or not an XML schema *can* be used to produce XML formatted data is irrelevant. It is well established that the "mere fact that references can be modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the modification". M.P.E.P. § 2143.01 paragraph 9; and *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The Examiner has not provided a proper suggestion or motivation for modifying Ballantyne to include results advertisements. Instead the Examiner only states that Ballantyne's report data *could* include an advertisement and that an XML schema *can* be used to produce XML formatted data, neither of which are proper suggestions or motivations to modify Ballantyne. Also, the Examiner's assertion can only be based in hindsight since no evidence of record teaches or suggests providing a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data.

The cited art clearly fails to teach or suggest providing a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data. As such, the rejection of claim 27 is not supported by the prior art and removal thereof is respectfully requested.

Claim 28:

In further regard to claim 28, Ballantyne does not teach or suggest a storage device, wherein the presentation schema is comprised in a presentation schema advertisement comprised on the storage device and a space service for accessing advertisements comprised on the storage device, wherein, in said accessing the presentation schema, the first device is further configured to access the presentation schema advertisement from the storage device through the space service. The Examiner cites column 17, lines 15-25 where Ballantyne states that outputted XML data, such as internal reports may be stored in a database and thus be available for review electronically. However, the cited passage makes no mention of a presentation schema comprised in a presentation schema advertisement.

The Examiner argues that the term "report data" could comprise an advertisement and that "an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements." Firstly, the Examiner is apparently confusing the generation of commercial advertisements with a presentation schema advertisement that includes a presentation schema. Furthermore, the cited passage does not refer to generating any presentation schema, but instead refers only to generating XML data. Also, as noted above, the Examiner's speculation as to how Ballantyne *could* be modified does not meet the requirements for a *prima facie* case of obviousness.

Moreover, as noted above regarding the rejection of claim 1, Ballantyne's system includes a modeling engine that generates an XML schema, which the Examiner equates to the presentation schema of Appellants' claims, to modify existing legacy application to

output XML data. Ballantyne does not describe that his modified applications generate or provide XML schemas, as suggested by the Examiner.

Moreover, Ballantyne makes no mention whatsoever regarding any presentation schema advertisements including presentation schemas. Ballantyne does not describe accessing a presentation schema advertisement when using the XML schema to modify legacy applications. Following the Examiner's argument, the XML schema used to modify a legacy applications would have to be comprised in the output of that modified legacy application. Such an interpretation cannot be correct.

In the Response to Arguments section of the Final Office Action dated November 29, 2005, the Examiner refers to the fact that Ballantyne teaches providing report data to a display device, where a user can then access results data. However, the results data referred to by the Examiner cannot be considered a presentation schema advertisement including a presentation schema. Following the Examiner's reasoning, the report data generated by Ballantyne's applications must be an advertisement including the XML schema generating by Ballantyne's modeling engine, which the Examiner considers the presentation schema of Appellants' claims. The Examiner has plainly ignored the specific limitations recited in claim 28. Thus, for at least the reasons above, the rejection of claim 28 is not supported by the prior art and removal thereof is respectfully requested.

Claim 50:

In further regard to claim 50, Ballantyne does not teach or suggest wherein the presentation schema is comprised in a presentation schema advertisement comprised on a storage device in the distributed computing environment, wherein the storage device is operable to store a plurality of presentation schema advertisements, and wherein, in said accessing the presentation schema, the program instructions are further computer-executable to implement accessing the presentation schema advertisement from the storage device through a space service associated with the storage device. The Examiner cites column 17, lines 15-25 where Ballantyne states that outputted XML data, such as

internal reports may be stored in a database and thus be available for review electronically. However, the cited passage makes no mention of a presentation schema comprised in a presentation schema advertisement.

The Examiner argues that the term "report data" could comprise an advertisement and that "an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements." Firstly, the Examiner is apparently confusing the generation of commercial advertisements with a presentation schema advertisement that includes a presentation schema. Furthermore, the cited passage does not refer to generating any presentation schema, but instead refers only to generating XML data. Also, as noted above, the Examiner's speculation as to how Ballantyne *could* be modified does not meet the requirements for a *prima facie* case of obviousness.

Moreover, as noted above regarding the rejection of claim 1, Ballantyne's system includes a modeling engine that generates an XML schema, which the Examiner equates to the presentation schema of Appellants' claims, to modify existing legacy application to output XML data. Ballantyne does not describe that his modified applications generate or provide XML schemas, as suggested by the Examiner.

Moreover, Ballantyne makes no mention whatsoever regarding any presentation schema advertisements including presentation schemas. Ballantyne does not describe accessing a presentation schema advertisement when using the XML schema to modify legacy applications. Following the Examiner's argument, the XML schema used to modify a legacy applications would have to be comprised in the output of that modified legacy application. Such an interpretation cannot be correct.

In the Response to Arguments section of the Final Office Action dated November 29, 2005, the Examiner refers to the fact that Ballantyne teaches providing report data to a display device, where a user can then access results data. However, the results data referred to by the Examiner cannot be considered a presentation schema advertisement including a presentation schema. Following the Examiner's reasoning, the report data

generated by Ballantyne's applications must be an advertisement including the XML schema generating by Ballantyne's modeling engine, which the Examiner considers the presentation schema of Appellants' claims. Thus, for at least the reasons above, the rejection of claim 50 is not supported by the prior art and removal thereof is respectfully requested.

Third Ground of Rejection:

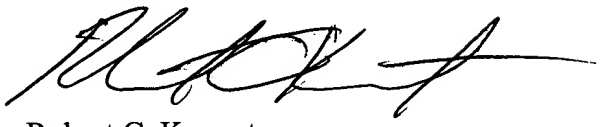
Claims 12, 30 and 52 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne in view of Sravanapudi et al. (U.S. Publication 2001/0049603) (hereinafter "Sravanapudi"). Appellants respectfully traverse the rejection of claims 12, 30 and 52 for at least the reasons presented above regarding their respective independent claims.

VIII. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1, 3-8, 10-48 and 50-57 was erroneous, and reversal of the Examiner's decision is respectfully requested.

The Commissioner is authorized to charge the appeal brief fee of $500.00 and any other fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-57700/RCK. This Appeal Brief is submitted with a return receipt postcard.

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
Attorney for Appellants

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8850

Date: April 21, 2006

IX. CLAIMS APPENDIX

The claims on appeal are as follows.

1. A method for presenting results data in a distributed computing environment, comprising:

a service in the distributed computing environment generating results data for a client in the distributed computing environment;

accessing a presentation schema in the distributed computing environment, wherein the presentation schema includes information for presenting results data for clients in the distributed computing environment, wherein the presentation schema is provided by the service;

accessing the results data; and

presenting the results data for the client in accordance with the information from the presentation schema.

3. The method as recited in claim 1, wherein said generating the results data is performed in response to the client sending a request message in a data representation language to the service, wherein the request message requests the service to perform a function on behalf of the client, and wherein the function generates the results data when performed by the service.

4. The method as recited in claim 3, wherein the data representation language is eXtensible Markup Language (XML).

5. The method as recited in claim 1, wherein said accessing results data for a client in the distributed computing environment comprises receiving the results data from the service in one or more messages in a data representation language.

6. The method as recited in claim 1, wherein said generating the results data comprises the service storing the results data on a results space in the distributed computing environment.

7. The method as recited in claim 6, wherein said accessing results data for a client in the distributed computing environment comprises accessing the results data from the results space.

8. The method as recited in claim 6, wherein said accessing results data for a client in the distributed computing environment comprises:

providing a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data; and

accessing the results data from the results space in accordance with the results advertisement.

10. The method as recited in claim 1, wherein the presentation schema is comprised in a presentation schema advertisement comprised on a storage device in the distributed computing environment, wherein the storage device is operable to store a plurality of presentation schema advertisements, and wherein said accessing the presentation schema comprises accessing the presentation schema advertisement from the storage device through a space service.

11. The method as recited in claim 10, wherein the presentation schema advertisement is an eXtensible Markup Language (XML) document.

12. The method as recited in claim 1, wherein the information for presenting results data in the presentation schema includes information to facilitate the presentation of results data to the client in an audio format.

13. The method as recited in claim 1, wherein the information for presenting results data in the presentation schema includes information to facilitate the presentation of results data to the client in a visual format.

14. The method as recited in claim 1, wherein the information for presenting results data in the presentation schema includes information to facilitate the display of results data to the client on a display device.

15. The method as recited in claim 1, wherein the results data comprises a plurality of data elements, and wherein the presentation schema comprises a plurality of presentation elements each including information describing presentation characteristics of one or more of the plurality of data elements.

16. The method as recited in claim 15, wherein each of the plurality of presentation elements further comprises information for locating the one or more data elements associated with the presentation element, and wherein said presenting the results data for the client in accordance with the information from the presentation schema comprises:

accessing a first presentation element in the plurality of presentation elements;

accessing one or more data elements associated with the first presentation element in accordance with the information for locating the one or more data elements included in the first presentation element; and

presenting the one or more data elements for the client in accordance with the information describing the presentation characteristics of the one or more data elements included in the first presentation element.

17. The method as recited in claim 16, further comprising repeating said accessing a first presentation element, said accessing one or more data elements, and said presenting the one or more data elements for each of the plurality of presentation elements.

18. The method as recited in claim 1, wherein said accessing a presentation schema in the distributed computing environment, said accessing results data for a client in the distributed computing environment, and said presenting the results data for the client are performed by a data presentation process.

19. The method as recited in claim 18, wherein the client is executing within a first device in the distributed computing environment, and wherein the data presentation process is executing within a second device in the distributed computing environment.

20. The method as recited in claim 18, wherein the data presentation process accessing the results data comprises:

the client receiving the results data from the service; and

the client providing the results data to the data presentation process.

21. The method as recited in claim 18, wherein the data presentation process accessing the results data comprises:

the client receiving information for accessing the results data from the service; and

the client providing the information for accessing the results data to the data presentation process.

22. The method as recited in claim 18, wherein the data presentation process in the distributed computing environment accessing the presentation schema comprises:

the client receiving information for accessing the presentation schema; and

the client providing the information for accessing the presentation schema to the data presentation process.

23. The method as recited in claim 18, wherein the data presentation process in the distributed computing environment accessing the presentation schema comprises:

the client receiving the presentation schema; and

the client providing the presentation schema to the data presentation process.

24. A distributed computing system, comprising:

a service device configured to generate results data;

a data presentation device;

a first device configured to:

access a presentation schema, wherein the presentation schema includes information for presenting the results data, wherein the presentation schema is provided by the service device;

access the results data generated by the service device; and

present the results data on the data presentation device in accordance with the information in the presentation schema for the results data.

25. The system as recited in claim 24, further comprising a client device configured to send a request message in a data representation language to the service device, wherein the service device is configured to perform a function on behalf of the client device in response to the request message, and wherein the function is configured to generate the results data when performed by the service device.

26. The system as recited in claim 24, wherein, in said accessing the results data, the first device is further configured to receive the results data from the service device in one or more data representation language messages, wherein the data representation language is eXtensible Markup Language (XML).

27. The system as recited in claim 24, further comprising:

a results space;

wherein, in said generating the results data, the service device is further configured to store the results data to the results space; and

wherein the service device is further configured to provide a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data; and

wherein the first device is further configured to access the results data from the results space in accordance with the results advertisement.

28. The system as recited in claim 24, further comprising:

a storage device, wherein the presentation schema is comprised in a presentation schema advertisement comprised on the storage device; and

a space service for accessing advertisements comprised on the storage device;

wherein, in said accessing the presentation schema, the first device is further configured to access the presentation schema advertisement from the storage device through the space service.

29. The system as recited in claim 28, wherein the presentation schema advertisement is an eXtensible Markup Language (XML) document.

30. The system as recited in claim 24, wherein the information for presenting results data in the presentation schema includes information to facilitate the presentation of results data to the client in an audio format, and wherein, in said presenting the results data on the data presentation device, the first device is further configured to present the results data in an audio format on the data presentation device.

31. The system as recited in claim 24, wherein the information for presenting results data in the presentation schema includes information to facilitate the presentation of results data to the client in a visual format, and wherein, in said presenting the results data on the data presentation device, the first device is further configured to present the results data in a visual format on the data presentation device.

32. The system as recited in claim 31, wherein the data presentation device is a display device.

33. The system as recited in claim 24, wherein the results data comprises a plurality of data elements, wherein the presentation schema comprises a plurality of

presentation elements each including information describing presentation characteristics of one or more of the plurality of data elements, wherein each of the plurality of presentation elements further comprises information for locating the one or more data elements associated with the presentation element, and wherein, in said presenting the results data on the data presentation device, the first device is further configured to:

access a first presentation element in the plurality of presentation elements;

access one or more data elements associated with the first presentation element in accordance with the information for locating the one or more data elements included in the first presentation element; and

present the one or more data elements on the data presentation device in accordance with the information describing the presentation characteristics of the one or more data elements included in the first presentation element.

34. The system as recited in claim 33, wherein the first device is further configured to repeat said accessing a first presentation element, said accessing one or more data elements, and said presenting the one or more data elements for each of the plurality of presentation elements.

35. The system as recited in claim 24, wherein the first device comprises a data presentation process executable on the first device, wherein said accessing a presentation schema in the distributed computing environment, said accessing results data for a client in the distributed computing environment, and said presenting the results data are performed by the data presentation process.

36. The system as recited in claim 35, wherein the first device further comprises a client process executable on the first device and configured to send a request message in a data representation language to the service device, wherein the service device is configured to perform a function on behalf of the client process in response to

the request message, and wherein the function is configured to generate the results data when performed by the service device.

37. The system as recited in claim 24, wherein the first device comprises the data presentation device.

38. The system as recited in claim 24, wherein the first device further comprises:

a data presentation process executable on the first device; and

a client process executable on the first device, wherein said access the results data generated by the service device is performed by the client process, and wherein the client process is configured to provide the results data to the data presentation process;

wherein said presenting the results data is performed by the data presentation process.

39. The system as recited in claim 24, wherein the first device further comprises:

a data presentation process executable on the first device; and

a client process executable on the first device, configured to:

access information for accessing the results data generated by the service device; and

provide the information for accessing the results data to the data presentation process;

wherein said accessing the results data generated by the service device is performed by the data presentation process in accordance with the information for accessing the results data provided by the client process, and wherein said presenting the results data is performed by the data presentation process.

40. The system as recited in claim 24, wherein the first device further comprises:

a data presentation process executable on the first device; and

a client process executable on the first device, configured to:

receive information for accessing the presentation schema; and

provide the information for accessing the presentation schema to the data presentation process;

wherein said accessing a presentation schema is performed by the data presentation process in accordance with the information for accessing the presentation schema provided by the client process.

41. The system as recited in claim 24, wherein the first device further comprises:

a data presentation process executable on the first device; and

a client process executable on the first device, configured to:

access the presentation schema; and

provide the presentation schema to the data presentation process;

wherein said presenting the results data is performed by the data presentation process in accordance with the presentation schema provided by the client process.

42. A distributed computing system, comprising:

a storage device; and

a service device configured to:

provide a presentation schema advertisement;

store the presentation schema advertisement on the storage device; and

produce results data on behalf of a client in the distributed computing system;

wherein the presentation schema advertisement includes information for presenting the results data.

43. The system as recited in claim 42, wherein the service device is further configured to generate the results data for the client in response to receiving a request for the results data.

44. The system as recited in claim 42, further comprising a space service configured to provide the presentation schema advertisement stored on the storage device to the client, wherein the client is operable to display the results data in accordance with

the information for presenting the results data included in the presentation schema advertisement.

45. The system as recited in claim 42, further comprising:

a results space configured to store results data;

wherein the service device is further configured to store the results data on the results space.

46. A device, comprising:

a data presentation component; and

a client component configured to:

access a presentation schema provided by a service in a distributed computing environment, wherein the presentation schema includes information for presenting results data generated by the service;

access the results data generated by the service; and

present the results data on the data presentation component in accordance with the information in the presentation schema for the results data.

47. The device as recited in claim 46, wherein the client component is further configured to send a message to the service requesting the results data, wherein the service is operable to generate the results data for the client in response to receiving the message.

48. A tangible computer accessible medium comprising program instructions, wherein the program instructions are computer-executable to implement:

accessing a presentation schema in a distributed computing environment, wherein the presentation schema includes information for presenting results data for clients in the distributed computing environment, wherein the presentation schema is provided by a service in the distributed computing environment;

accessing results data for a client in the distributed computing environment wherein the results data are generated by the service; and

presenting the results data for the client in accordance with the information from the presentation schema.

50. The medium as recited in claim 48, wherein the presentation schema is comprised in a presentation schema advertisement comprised on a storage device in the distributed computing environment, wherein the storage device is operable to store a plurality of presentation schema advertisements, and wherein, in said accessing the presentation schema, the program instructions are further computer-executable to implement accessing the presentation schema advertisement from the storage device through a space service associated with the storage device.

51. The medium as recited in claim 50, wherein the presentation schema advertisement is an eXtensible Markup Language (XML) document.

52. The medium as recited in claim 48, wherein the information for presenting results data in the presentation schema includes information to facilitate the presentation of results data to the client in an audio format.

53. The medium as recited in claim 48, wherein the information for presenting results data in the presentation schema includes information to facilitate the display of results data to the client on a display device.

54. The medium as recited in claim 48, wherein the results data comprises a plurality of data elements, and wherein the presentation schema comprises a plurality of presentation elements each including information describing presentation characteristics of one or more of the plurality of data elements.

55. The medium as recited in claim 54, wherein each of the plurality of presentation elements further comprises information for locating the one or more data elements associated with the presentation element, and wherein, in said presenting the results data for the client in accordance with the information from the presentation schema, the program instructions are further computer-executable to implement:

accessing a first presentation element in the plurality of presentation elements;

accessing one or more data elements associated with the first presentation element in accordance with the information for locating the one or more data elements included in the first presentation element; and

presenting the one or more data elements for the client in accordance with the information describing the presentation characteristics of the one or more data elements included in the first presentation element.

56. The medium as recited in claim 55, wherein the program instructions are further computer-executable to implement repeating said accessing a first presentation element, said accessing one or more data elements, and said presenting the one or more data elements for each of the plurality of presentation elements.

57. The medium as recited in claim 48, wherein said accessing a presentation schema in the distributed computing environment, said accessing results data for a client in the distributed computing environment, and said presenting the results data for the client are performed by a data presentation process, wherein the client is executing within a first device in the distributed computing environment, and wherein the data presentation process is executing within a second device in the distributed computing environment.

X. EVIDENCE APPENDIX

No evidence submitted under 37 CFR §§ 1.130, 1.131 or 1.132 or otherwise entered by the Examiner is relied upon in this appeal.

XI. RELATED PROCEEDINGS APPENDIX

There are no related proceedings.